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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.05.2022

CORAM:

THE HON'BLE Mr. JUSTICE A.A.NAKKIRAN

Crl.O.P.No.11186 of 2022

1.Kubendran
2.Moorthy

... Petitioners

Vs.

State by Inspector of Police,
Dharmapuri Police Station,
Dharmapuri District,
(Crime No.244 of 2022)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to order enlarge the petitioners on bail in connection with Crime No.244 of 2022 on the file of the Respondent Police.

For Petitioners: M/s.A.P.Sathya Murthy

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.side)

O R D E R

The petitioners were arrested on 06.04.2022 for the offence punishable under Sections 147, 148, 341, 294 (B), 323, 324, 506 (ii) IPC and altered on 18.04.2022 under Sections 147, 148, 341, 294 (B), 323 324, 506 (ii) and 307 IPC in Crime No.244 of 2022, on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 05.04.2022, when the defacto complainant boarded a bus for traveling, he found A1 and other accused were traveling in the same bus and A1 was lying in the seat without giving place to him to sit. When the defacto complainant asked him to get up and give him a seat, wordy quarrel arose between them, due to which, A1 along with other accused waylaid the house of the defacto complainant and attacked him, due to which, the victim sustained injuries and admitted in the hospital. Hence the complaint.



3.Learned counsel for the petitioners would submit that the petitioners herein are A3 and A4 and they are innocent and they have been falsely implicated in this case. He would further submit that there is no specific overt act against these petitioners and they do not have any previous case pending against them. He also added that the co-accused in this case viz. A5 and A6 have been granted bail. Accordingly prays for grant of bail to the petitioners.

4.Learned Government Advocate (Crl. Side) appearing for the respondent police would submit that the injured has been discharged from the hospital. The other accused viz. A5 and A6 have been granted bail in this case and there is no previous case pending against these petitioners.

5.Considering the fact that the victim has been discharged from the hospital, this Court is inclined to grant bail to the petitioners. Accordingly, these petitioners are ordered to be released on bail subject to the following conditions;

(a) the petitioners shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate - I, Dharmapuri;

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c)the petitioners are directed to report before the respondent police twice in a month i.e. 1st and 16th day for interrogation;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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-sd/-
12/05/2022

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, DHARMAPURI.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI DISTRICT. [FOR INFORMATION]

3 THE OFFICER INCHARGE,
DISTRICT JAIL, DHARMAPURI.

4 THE INSPECTOR OF POLICE,
DHARMAPURI POLICE STATION,
DHARMAPURI DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. A.P.SATHYA MURTHY Advocate on payment of necessary charges SR.NO. 7013

CRL OP.11186/2022

Date :12/05/2022

RW 12/05/2022